

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

JUDSON ENTERPRISES, INC.
d/b/a K DESIGNERS,

Defendant.

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CIV. ACTION NO. 8:10-CV-5

CONSENT DECREE

Plaintiff Equal Employment Opportunity Commission (hereinafter "EEOC") has instituted this action alleging that Judson Enterprise, Inc. d/b/a K Designers ("K Designers") subjected Corri Buckley to disparate treatment and termination based on her gender and in retaliation for her complaint of sexual harassment in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a).

For purposes of settlement and compromise only, the parties have advised the Court that they wish to resolve the instant controversy without the expense, delay, and burden of further litigation;

THEREFORE, it is the finding of this Court, made on the pleadings and on the record as a whole and upon agreement of the parties, that: (i) this Court has jurisdiction over the parties to and the subject matter of this action, (ii) the requirements of Title VII will be carried out by the implementation of this Decree, (iii) this Decree is intended to and does resolve all matters in controversy in this lawsuit among the parties, and (iv) the terms of this Decree constitute a fair and equitable settlement of all issues in this lawsuit.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED as follows:

I. General Provisions

1. This Decree, being entered with the consent of the parties for purposes of settlement, shall not constitute adjudication on the merits of this lawsuit and shall not be construed as an admission by Defendant of any violation of Title VII, or any of the remaining allegations in the Complaint.
2. Defendant shall not discriminate against its employees with respect to hiring, promotion, firing, compensation, or other terms, conditions or privileges of employment on the basis of sex.
3. Defendant shall not discriminate or retaliate against any person because he or she:
(a) has opposed any practices alleged in this lawsuit as unlawful under Title VII; (b) has participated in any investigation by the Commission connected with or leading up to this lawsuit; (c) has participated in this lawsuit; or (d) has benefited or will benefit in any way as a result of this Consent Decree.

II. Relief for Charging Party

1. Within ten (10) business days of the Court's entry of the Consent Decree or receipt of a release signed by Corri Buckley, a copy of which is attached hereto as Exhibit A, whichever is later, Defendant shall deliver by certified mail to Corri Buckley at her current home address:
 - a) a check made payable to Corri Buckley in the amount of \$9,600.00 as and for back pay, less any deductions for the employee's portion of FICA and applicable federal and state income tax withholdings, along with a statement itemizing the deductions made from the back pay amount and a completed form W-2;

b) a second check made payable to Corri Buckley in the amount of \$14,400.00 as and for compensatory damages, along with a completed form 1099 designating such compensation as "other income"; and

c) thereafter, for a period of three (3) years, defendant shall deliver by certified mail to Corri Buckley at her home address equal quarterly payments. The payments will be paid by two checks each time, one check made payable as described in 1.a) above in the amount of \$3,300.00 and the second check made payable as described in 1.b) above in the amount of \$2,200.00. The first payment will be due on April 1, 2011, the second payment will be due July 1, 2011, the third payment will be due on October 1, 2011, and the fourth payment will be due on December 31, 2011. Thereafter, equal quarterly payments will be made in the same manner as described above for the years of 2012 and 2013, for a total payment of \$66,000.00.

III. Posting, Policies, and Training

1. Within thirty (30) days of the entry of this Decree, Defendant shall post and cause to remain posted the Notice attached hereto as Exhibit B, in locations visible to all employees of K Designers at its Sacramento, California and its Omaha, Nebraska facilities, for a period of three (3) years, starting from the date of entry of this Decree.

2. Defendant shall, within thirty (30) days of entry of this Decree, adopt a policy prohibiting discrimination based on sex and retaliation, including a complaint procedure. Defendant shall post the policy and complaint procedure in locations visible to all employees in the facilities identified in Subsection 1 of this section, for a period of three (3) years, starting from the date of entry of this Decree. Defendant shall, at least fifteen (15) days prior to posting the policy and complaint procedure, provide a copy to Barbara A. Seely, Regional Attorney,

Equal Employment Opportunity Commission, 1222 Spruce St., Room 8.100, St. Louis, Missouri 63103, for comment and approval.

3. Defendant shall post and cause to remain posted the posters required to be displayed in the workplace by EEOC regulation 29 C.F.R. §1601.30 in locations visible to all employees of K Designers.

4. Defendant shall, within six (6) months from the date of entry of this Decree, provide training on sex discrimination and retaliation for all permanent employees at the facilities identified in Subsection 1 above, who have not had this training within the calendar year prior to the training. Defendant shall, at least thirty (30) days prior to the training, provide a copy of the names and titles of employees who are exempt from this training because they have had it within the last year, the agenda of the training these employees have completed, and the training materials for the training that will be presented to all other employees. These documents shall be sent to Barbara Seely, EEOC Regional Attorney, for comment and approval.

IV. Reporting, Record-keeping, and Access

1. Within six months of the entry of this Decree, and every six (6) months during the effective period of this Decree, Defendant shall provide written notification to Barbara A. Seely, Regional Attorney EEOC's St. Louis District Office, of any internal complaint of sex discrimination, including sexual harassment, made by any employee of K Designers, including the name(s) of the employee(s), the job title of the employee, the site at which the employee works(ed), a description of the investigation of the complaint(s), the finding of the investigation and a description of action taken, or resolution of the complaint(s) for the facilities identified in Section III, Subsection 1 above..

2. Within ninety (90) days of the entry of this Decree, Defendant shall prepare and submit to the EEOC's Regional Attorney in its St. Louis District Office a letter affirming that the notices have been posted and that the posters have been posted as required by Section III, Subsection 1 above.

3. Within forty-five (45) days of the completion of the training required under Section III, Subsection 4, Defendant shall prepare and submit to the EEOC's Regional Attorney in its St. Louis District Office a letter affirming completion of said training.

V. Term and Effect of Decree

1. By entering into this Decree the parties do not intend to resolve any charges of discrimination currently pending before the Commission other than EEOC Charge Number 32G-2007-00090.

2. This Decree shall be binding upon the parties hereto, their successors and assigns. Defendant shall affirmatively notify any purchasers of the obligations of this Consent Decree prior to any sale which may take place.


~~3. This Decree shall be for a period of three (3) years. The Court shall retain jurisdiction of this cause for purposes of enforcing the terms of this Decree.~~

~~3~~ ~~4~~ Each party shall bear that party's own costs and attorneys' fees.

DATE: January 14, 2011

s/Laurie Smith Camp
UNITED STATES DISTRICT JUDGE

FOR DEFENDANT:

by 
LARRY JUDSON
Judson Enterprises d/b/a
K Designers

FOR PLAINTIFF:

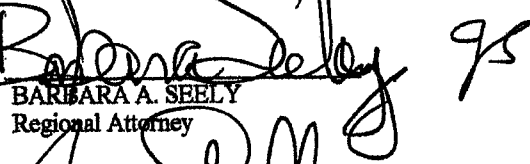
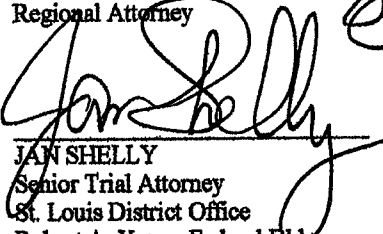
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BARBARA A. SEELY
Regional Attorney

JAN SHELLEY
Senior Trial Attorney
St. Louis District Office
Robert A. Young Federal Bldg.
1222 Spruce, Room 8.100
St. Louis, MO 63103
(314) 539-7918

EXHIBIT A
BUCKLEY'S RELEASE

In consideration for \$90,000.00 paid to me by Judson Enterprises, Inc. d/b/a K Designers, in connection with the resolution of EEOC v. Judson Enterprises, Inc. d/b/a K Designers, Civil Action No. 8:10-CV-5, I waive my right to recover for any claims arising under Title VII, 42 U.S.C. §2000e-2(a), that I had against Judson Enterprises, Inc. d/b/a K Designers, prior to the date of this release and that were included in the claims alleged in EEOC's complaint in this lawsuit.

Date: 12-31-10

Signature: Corri Buckley
Corri Buckley

EXHIBIT B
(K DESIGNERS)

NOTICE TO EMPLOYEES

Federal law prohibits discrimination against any employee or applicant for employment because of the individual's race, national origin, color, religion, sex, disability or age (forty and over) with respect to hiring, promotion, firing, compensation, or other terms, conditions or privileges of employment. Federal law also prohibits sexual harassment of employees and retaliation against employees because they have opposed practices they believe discriminate or are unlawful on the basis of race, national origin, color, religion, sex, disability or age (forty and over) or because they have filed charges with the EEOC or participated in or cooperated with an EEOC investigation.

K Designers supports and will comply with such federal law in all respects and will not take any action against employees because they have exercised their rights under the law. Specifically, K Designers will not tolerate sex discrimination with regard to the terms and conditions of employment because of an employee's gender. Furthermore, K Designers will not tolerate retaliation against any employee because an employee reports, protests or opposes any employment practice which is believed by such employee to be unlawful under Federal law.

Employees should feel free to report instances of sexual harassment or sex discrimination to the Equal Employment Opportunity Commission, St. Louis District Office, 1222 Spruce Street, Rm. 8.100. Further information about sex harassment, sex discrimination and how to file a report with the EEOC can be found at www.eeoc.gov.

Larry Judson
President and Owner
K Designers